

November 27, 2007

The Honorable Michael N. Castle
3 Christina Center
201 N. Walnut Street, Suite 107
Wilmington, DE 19801

Dear Congressman Castle:

I write on behalf of the State Council for Persons with Disabilities (SCPD) regarding the attached draft legislation to benefit crime victims with disabilities. As background, the attached 2 page summary recites that adults with disabilities experience violence or abuse at least twice as often as people without disabilities, an estimated 5,000,000 crimes are committed against individuals with developmental disabilities annually, and over 70% of crimes committed against individuals with developmental disabilities are not reported. The bill is designed to promote coordination among stakeholders in states participating in a grant program which would support better crime reporting, train prosecutors and victim assistance organizations, promote accommodations to crime victims in the criminal justice system, and facilitate coordination among criminal justice agencies and victim assistance agencies. There would be 1 year planning grants generally capped at \$50,000 followed by 2-year implementation grants capped at \$300,000. A 2 year implementation grant could be “renewed” for an additional 2 year period. Research grants would also be authorized.

SCPD certainly appreciates your efforts regarding this issue and believes the bill is well intentioned and well drafted. However, Council has 2 observations.

First, the scope of the bill is limited to adults with developmental disabilities (DD). It is unclear why the scope is restricted to adults and why it is restricted to “DD” constituents. Perhaps the initial focus is narrowed with the expectation of expansion if this model is effective. However, SCPDs preference would be to expand the focus to persons with significant, chronic disabilities irrespective of onset date. For example, the bill will exclude coverage of many veterans with TBI and other war-related conditions.

Second, there is a conspicuous lack of any reference to the Protection and Advocacy (P&A) system established pursuant to the DD Act, 42 U.S.C. 15001 et seq. Conversely, the bill affirmatively refers to UCEDDs (p. 20), a P&A partner agency under the DD Act. The P&As would logically be a central collaborating agency protecting victims with disabilities and pursuing remedies on their behalf. See 42 U.S.C. 15043. At a minimum, the definition of “adult protective services agency” (p. 6) should explicitly recite that it includes Protection & Advocacy agencies established by 20 U.S.C.

15043. SCPD also recommends that the implementation grant application standards (p. 12) include the state's P&A as a mandatory participant, or at least include a "preference" for such participation. The Administration on Developmental Disabilities has included such a provision in some of its discretionary grant eligibility standards.

SCPD endorses the draft bill while preferring that it be amended consistent with the above observations.

Thank you for your consideration.

Sincerely,

Daniese McMullin-Powell, Chair
State Council for Persons with Disabilities

cc: Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

P&I/crime victims draft 11-07